REMARKS

Claims 1-28 are all the claims pending in the application. Claims 6-17 have been cancelled. Claims 18-23 have been withdrawn from consideration. New claims 24-28 have been added.

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer *et al.* (U.S. Patent 6,396,963; hereinafter "Shaffer"). Claim 5 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant submits the arguments below in traversal of the claim rejections.

An embodiment of the Applicant's invention relates to an image processing method of an inputted image data. Specifically, the embodiment registers predetermined image processing conditions for each specific person in advance and extracts a person in the inputted image data. In the method, the extracted person is identified to find if extracted person is a specific person and selects image processing conditions corresponding to the identified specific person to perform the image processing based on the selected image processing conditions.

Shaffer relates to a method and system for employing image recognition techniques to produce a photocollage from a plurality of images. More specifically, the invention relates to generating photocollages automatically and providing for alteration of the automatically created photocollage.

Applicant respectfully submits that claim 1 is patentable because the Examiner has not established a *prima facie* case of obviousness. Claim 1 recites:

>An image processing method for applying image processing to an inputted image data, comprising the steps of:
>
>*registering predetermined image processing conditions for each specific person* in advance;
>
>extracting a person in said inputted image data;
>
>identifying the extracted person to find if the extracted person is the specific person; and
>
>*selecting image processing conditions corresponding to said identified specific person to perform the image processing based on said selected image processing conditions.*

Claim 1 is patentable because Shaffer fails to teach, suggest, or provide motivation for registering predetermined image processing conditions for each specific person in advance and selecting image processing conditions corresponding to said identified specific person to perform the image processing based on said selected image processing conditions, in combination with other elements of the claim. In the Office Action, the Examiner cites the exposure parameters as corresponding to the claimed image processing conditions. Col. 4, lines 37-41. The exposure parameters and other parameters recited in the section cited by the Examiner, however, are parameters which relate to the image at the time when the image was captured. Col. 4, lines 32-52. There is nothing in Shaffer which suggests that the exposure parameters and the other parameters are image processing conditions in the context of selecting image processing conditions corresponding to said identified specific person to perform the image processing based on said selected image processing conditions.

Applicant submits that the mere selection of photographed images with the specific person from a plurality of the photographs as in Shaffer is clearly different from identifying the extracted person to find if the extracted person is the specific person and selecting image processing conditions corresponding to said identified specific person to perform the image processing based on said selected image processing conditions. Accordingly, Applicant believes

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that Shaffer does not teach, suggest or provide motivation for present invention as recited in claim 1.

In addition, Applicant submits that a *prima facie* case of obviousness has not been established. In the Office Action, the Examiner concedes that Shaffer:

> does not explicitly disclose that the customer is the person that is extracted from the image and identified for the purpose of selecting image processing conditions, but the customer/use profile that is stored includes customer identification, exposure parameters, face recognition feature vectors of the immediate family and extended family, etc. that could obviously be used to associate each person with his or her own image processing conditions.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. § 2143. Applicant submits that the above rationale does not provide any suggestion or motivation for modifying the teachings of Shaffer to render claim 1 obvious. Rather, the Examiner merely provides an unsubstantiated assertion in alleging that "face recognition feature vectors . . . could *obviously* be used to associate each person with his or her own image processing conditions." In other words, the Examiner offers no reason to modify the teachings of Shaffer other than saying that the modification would have been "obvious."

Moreover, the argument that "it would have been obvious . . . to select image processing conditions corresponding to a person identified in an input image in order to process the image based on the identified person's specifications" is based on improper hindsight reasoning. M.P.E.P. § 2145(X) (A). Such arguments are based on circular reasoning and still fail to provide any suggestion or motivation to support the Examiner's rejection.

For at least the reasons submitted for claim 1, claims 2-4 are patentable.

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Lastly, Applicant adds new claims 24-28 to more fully claim the invention and are

patentable for at least the reasons submitted for their base claims.

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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